

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SSO-00 SAB-02 SS-15 PM-05 L-03 H-01
CIAE-00 INR-07 NSAE-00 DODE-00 PRS-01 SP-02
NSCE-00 TRSE-00 INRE-00 /051 W
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FM AMEMBASSY PANAMA
TO SECSTATE WASHDC IMMEDIATE 3468
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DEPT PLEASE INFORM ARA/PAN-BECKER IMMEDIATELY UPON RECEIPT

E.O. 11652: N/A
TAGS: PBOR, CFED PN PQ
SUBJECT: TREATY NEGOTIATIONS-OTHER ACTIVITIES -GORGAS

REF: PANAMA 6272

1. PER PARA 4 REFTEL, FOLLOWING IS FULL TEXT OF DRAFT NOTE
PRESENTED TO FABREGA BY WYROUGH AUGUST 28: BEGIN QUOTE:

EXCELLENCY:

I HAVE THE HONOR TO REFER TO THE GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE, INCORPORATED, AND ITS SUBSIDIARY, THE GORGAS MEMORIAL LABORATORY. THE INSTITUTE WAS ESTABLISHED IN MEMORY OF DR. WILLIAM C. GORGAS FOR RESEARCH ON DISEASES ENDEMIC TO CENTRAL AMERICA AND NORTHERN SOUTH AMERICA. IT RECEIVES FROM THE GOVERNMENT OF THE UNITED STATES AN ANNUAL CONTRIBUTION IN DR. GORGAS' MEMORY.

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THE GORGAS MEMORIAL LABORATORY IS ESTABLISHED AND OPERATES IN PANAMA UNDER A CONTRACT WITH THE MINISTRY OF HEALTH OF THE REPUBLIC OF PANAMA, PURSUANT TO THE PROVISIONS OF PUBLIC LAW 15 OF OCTOBER 16, 1930, PUBLIC LAW 5 OF FEBRUARY 5, 1953 AND PUBLIC LAW 84 OF SEPTEMBER 20, 1973 OF THE REPUBLIC OF PANAMA. THE INSTITUTE HAS INFORMED THE EMBASSY OF ITS DESIRE TO CONTINUE ITS OPERATIONS IN PANAMA PURSUANT TO THE PROVISIONS OF

THESE LAWS AND TO MAINTAIN ITS CURRENT CONTRACTUAL RELATIONSHIP WITH THE MINISTRY OF HEALTH.

I REFER FURTHER TO THE PANAMA CANAL TREATY AND RELATED AGREEMENTS SIGNED THIS DATE BY REPRESENTATIVES OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA, AND IN THAT CONNECTION PROPOSE THAT OUR GOVERNMENTS AGREE THAT SUBSEQUENT TO THE ENTRY INTO FORCE OF THAT TREATY THE GORGAS MEMORIAL LABORATORY SHALL CONTINUE TO ENJOY THE SOLE AND EXCLUSIVE USE, WITHOUT CHARGE, OF THE FOLLOWING AREAS OF LANDS AND WATERS, AND INSTALLATIONS LOCATED THEREON, BEING USED BY THE INSTITUTE IMMEDIATELY PRIOR TO THE ENTRY INTO FORCE OF THE TREATY:

JUAN MINA PLANTATION, APPROXIMATELY 15 ACRES OF LAND, AND ONE MULTI-PURPOSE BUILDING SITUATED THEREON, LOCATED ON THE EAST SIDE OF THE CHAGRES RIVER IN THE BALBOA EAST DISTRICT; AND

BUILDING 265, AND ADJACENT LAND, A LABORATORY BUILDING LOCATED IN THE VICINITY OF GORGAS HOSPITAL, ANCON.

IT IS UNDERSTOOD THAT THIS ARRANGEMENT SHALL CONTINUE FOR AN INITIAL PERIOD OF FIVE YEARS, AND WILL BE RENEWED UPON REQUEST AT LEAST ONE YEAR IN ADVANCE BY THE LABORATORY.

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I PROPOSE FURTHER THAT IN THE EVENT THE REPUBLIC OF PANAMA ESTABLISHED ANY MEANS WHEREBY ANY LEGAL OR NATURAL PERSON OTHER THAN THE GOVERNMENT OF THE REPUBLIC OF PANAMA MAY ACQUIRE TITLE UNDER THE LAWS OF THE REPUBLIC OF PANAMA TO ANY AREAS OF LANDS AND WATERS, OR OTHER REAL PROPERTY LOCATED THEREON, WHICH PRIOR TO THE ENTRY INTO FORCE OF THE PANAMA CANAL TREATY FORMED PART OF THE CANAL ZONE, OUR GOVERNMENTS AGREE THAT THE GORGAS MEMORIAL LABORATORY SHALL BE ENABLED BY THE REPUBLIC OF PANAMA TO ACQUIRE TITLE TO THE ABOVE-MENTIONED AREAS WHOSE USE IT ENJOYS. SUCH TITLE SHALL BE ACCORDED BY THE REPUBLIC OF PANAMA PURSUANT TO AN ARRANGEMENT NOT LESS FAVORABLE THAN THAT ACCORDED BY THE REPUBLIC OF PANAMA TO ANY OTHER SUCH LEGAL OR NATURAL PERSON.

I PROPOSE FURTHER THAT OUR GOVERNMENTS AGREE TO THE ISSUANCE OF A LICENSE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN ARTICLE IV OF THE AGREEMENT IN IMPLEMENTATION OF ARTICLE III OF THE PANAMA CANAL TREATY TO PERMIT THE USE WITHOUT CHARGE BY THE GORGAS MEMORIAL LABORATORY OF ABOGADO AND AOJETA ISLANDS, LOCATED IN GATUN LAKE, FOR THE PURPOSES OF THE LABORATORY.

THE LOCATIONS AND AREAS OF THE AFOREMENTIONED JUAN MINA PLANTATION, BUILDING 265 AND ITS ADJACENT LAND, AND THE ISLANDS OF ABOGADO AND AOJETA ARE INDICATED ON THE MAPS ATTACHED TO THIS NOTE.

I FURTHER PROPOSE THAT OUR GOVERNMENTS AGREE THAT THE UNITED STATES MAY PERMIT THE GORGAS MEMORIAL LABORATORY TO ENJOY THE PRIVILEGE OF MAKING OFFICIAL PURCHASES FOR THE LABORATORY'S OPERATIONS IN THE UNITED STATES MILITARY COMMISSARIES AND EXCHANGES ESTABLISHED PURSUANT TO THE AGREEMENT IN IMPLEMENTATION OF ARTICLE IV OF THE PANAMA CANAL TREATY, AND THAT THE UNITED STATES MAY PROVIDE TO THE LABORATORY FOR OFFICIAL PURPOSES SUCH OTHER SUPPLIES OR SERVICES OF THE UNITED STATES FORCES OR THE PANAMA CANAL LIMITED OFFICIAL USE

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COMMISSION AS MAY BE CONVENIENT. IT IS UNDERSTOOD THAT THIS AGREEMENT WILL NOT EXTEND TO PERSONAL PURCHASES BY INDIVIDUAL MEMBERS OF THE STAFF AND EMPLOYEES OF THE GORGAS MEMORIAL LABORATORY, REGARDLESS OF THEIR NATIONALITY.

IF THE FOREGOING PROPOSALS RELATING TO THE STATUS AND OPERATIONS OF THE GORGAS MEMORIAL LABORATORY ARE ACCEPTABLE TO THE GOVERNMENT OF THE REPUBLIC OF PANAMA, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE, AND YOUR EXCELLENCY'S AFFIRMATIVE RESPONSE TO IT, SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR GOVERNMENTS TO THIS EFFECT.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION. END QUOTE.
JORDEN

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